

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-90-0122 DFL DAD P

vs.

ANTHONY BRUCE CANNON,

Movant.

FINDINGS AND RECOMMENDATIONS

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Movant has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. An identical motion was also filed in United States v. Cannon, CR S-90-0438 DFL DAD P. The motions challenge sentences imposed on movant in two criminal cases that were consolidated for trial and sentencing. On August 4, 2006, the court dismissed case number CR S-90-0438 DFL DAD P, due to movant's failure to keep the court apprised of his current address.<sup>1</sup> In both CR S-90-0438 DFL DAD P and this case, movant's Beaumont, Texas address is the address of record. Therefore, movant has failed to comply with Local Rule 83-182(f), which requires that a party appearing in propria persona inform the court of any change in address.

<sup>1</sup> The court may take judicial notice of its own records in other cases. United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

Accordingly, IT IS HEREBY RECOMMENDED that:

1. This action be dismissed due to movant's failure to keep the court apprised of his current address (see Local Rules 83-182(f) and 11-110); and
2. The Clerk of the Court be directed to close the companion civil case No. CIV S-01-1224 DFL DAD P.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, movant may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Movant is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: August 31, 2006.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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